

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
v.

No. 19-3156-01-CR-S-MDH

MARC ANTHONY CINOCCO,

Defendant.

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR
A HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney requests pretrial detention and a detention hearing pursuant to 18 U.S.C. §§ 3142(e)(1), (f)(1)(E), (f)(2)(A), and (f)(2)(B). At this hearing, the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

Supporting Suggestions

1. Title 18, United States Code, Section 3142(f)(1)(E) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing, and if the case is one that involves an offense involving failure to register under 18 U.S.C. § 2250.
2. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the Government or by a judicial officer. These

conditions are:

- a. When there is a serious risk that the defendant will flee; or,
- b. When there is a serious risk that the person will "obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror." 18 U.S.C. § 3142(f)(2)(A) and (B).

3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this matter involves the failure to register by a sex offender. Further, there is a serious risk that the defendant's release will present a substantial risk to the community.
4. Moreover, the nature and circumstances of the charged offenses, the weight of the evidence, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release, each demonstrate that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community.
5. The Government is aware of the following evidence:
 - a. In relation to the nature and circumstances of the offenses charged, on November 6, 2019, the grand jury returned an indictment charging the defendant with failure to register as a sex offender. The defendant, a convicted sex offender, was residing in Springfield, Missouri; however, the State of Missouri had no record of the defendant ever having registered as a sex offender.
 - b. In relation to the weight of the evidence supporting the charges in the Indictment, On July 23, 2001, Cinocco was found guilty in the Denver County, Colorado, District Court for a

violation of C.R.S. 18-3-405, Sexual Assault on a Child, case number D0162001CR002069 and D0162000CR000364. Cinocco was sentenced to 16 years in the Colorado Department of Corrections. July 23, 2019, Cinocco appeared at the Douglas County, Colorado, Sheriff's Department and filled out a Colorado Notice to Register as a Sex Offender. The document informed Cinocco, "If you change residence to another state or other jurisdiction outside of Colorado, you must report your new address to the law enforcement agencies where you are registered in Colorado." It further states, "It is a requirement of the Adam Walsh Act that you register within 3 business days if you move out of state." Cinocco affixed his initials to the bottom of page acknowledging he read and understood the statements. On October 21, 2019, Cinocco failed to appear and register with Douglas County as required by Colorado State Law. On October 27, 2019, Cinocco was arrested by the Springfield, Missouri, Police Department. On November 4, 2019, Cinocco appeared at the Springfield Police Department, just after noon, attempting to retrieve his vehicle that had been towed following his arrest on October 27, 2019. On November 7, 2019, Cinocco was arrested on the warrant issued for the instant case. The Missouri Highway Patrol Sex Offender Registrar confirmed that Cinocco never registered in the state of Missouri.

- c. In relation to the history and characteristics of the defendant, on October 27, 2019, Springfield, Missouri, Police Department (SPD) Officers Chaney and Friend responded to a 9-1-1 regarding abandoned property left at a residence in Springfield, Missouri. Witnesses reported that someone had pulled into the residence and dropped off bags and a box of items. Officer Chaney observed two green bags, one brown bag, a Crown Royal box, and a black backpack. Inside the bags, officers located documents for "Marc Anthony

Cinocco," multiple prescription bottles, men's clothing, and a jar of coins totaling \$519.36. Later that day, SPD Officers were dispatched to North Elder Avenue in Springfield. Witnesses reported Cinocco was taking mail out of the residents' boxes of 729 and 730 North Elder Avenue. SPD Officer Witty initiated a traffic stop on Cinocco's vehicle, and Cinocco stated he did not have any identification and attempted to use a piece of stolen mail as his identification.

WHEREFORE, the United States requests a pretrial detention hearing and that Defendant be detained pending trial.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By /s/ Ami Harshad Miller
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on November 12, 2019, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Ami Harshad Miller
Ami Harshad Miller
Assistant United States Attorney